

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS**

PATRICK PURSLEY,)	Case No. 3:18-cv-50040
)	
Plaintiff,)	Judge Philip G. Reinhard
)	
v.)	Magistrate Judge Lisa Jensen
)	
THE CITY OF ROCKFORD, et. al.)	Jury Trial Demanded
)	
Defendants.)	

**PLAINTIFF'S MOTION FOR EXTENSION OF TIME
TO SERVE WITNESS MARVIN WINDHAM AND
TO CONTINUE JANUARY 13, 2020 HEARING ON
PLAINTIFF'S MOTION FOR RULE TO SHOW CAUSE**

Now comes PATRICK PURSLEY and respectfully moves this Court for an extension of time to serve Marvin Windham with his Motion for Rule to Show and for a continuance of the hearing on that motion, because witness Marvin Windham has not been located despite Plaintiff's several efforts to locate and serve him. In support, Plaintiff states as follows:

1. Marvin Windham is a prosecution witness who Plaintiff alleges testified falsely against him in his criminal case. In this civil suit challenging Plaintiff's wrongful conviction, Defendants sought Mr. Windham's deposition testimony very early in discovery, before any party had exchanged written discovery; Plaintiff filed a motion to prevent this important deposition from proceeding prematurely and without the benefit of the relevant documents. Doc. No. 133.

2. At the motion hearing, and following a discussion with the Court, the parties stipulated that Defendants could proceed with their examination of Mr.

Windham but only if Plaintiff's cross-examination could be postponed until he received the documents he needed. Doc. No. 136 (10/14/2019 Order). Defendants deposed Mr. Windham, and the Court admonished him to return on a subsequent date for Plaintiff's cross-examination, but he did not do so.

3. On December 12, 2019, this Court entered an order directing Plaintiff to serve Windham with his Motion for Rule to Show Cause. Doc. No. 158. The motion was set for hearing on January 13, 2020, and the Court ordered Plaintiff to file a proof of service on Windham before January 13th.

4. As detailed in the attached declaration, Plaintiff's counsel have made numerous attempts to locate and serve Mr. Windham, who appears to have no permanent address, but have not yet been able to do so. *See* Exhibit A (Declaration of Tierra Jackson).

5. It appears Mr. Windham may now be in custody somewhere in Cook County but Plaintiff's counsel are working to confirm whether that is the case. *See id.* at 2.

6. Plaintiff respectfully requests a 21-day extension of time to serve Mr. Windham with the Motion for Rule to Show Cause, such that he should be served by February 3, 2020. Plaintiff further asks the Court to reset the hearing date to February 10, 2020. If Plaintiff is unable to locate or serve Mr. Windham, he will file a status report with the Court by February 3 or as otherwise directed by the Court.

Respectfully submitted,

PATRICK PURSLEY

By: Roshna Bala Keen
One of His Attorneys

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CERTIFICATE OF SERVICE

I, Roshna Bala Keen, an attorney, certify that on January 10, 2020 I caused the foregoing PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO SERVE WITNESS MARVIN WINDHAM AND CONTINUE JANUARY 13, 2020 HEARING ON PLAINTIFF'S MOTION FOR RULE TO SHOW CAUSE to be filed via the Court's CM/ECF electronic filing system, which effected service on all counsel of record.

/s/ Roshna Bala Keen
Roshna Bala Keen